

## **Testimony of Frank Shorter**

### **Before the Subcommittee on Commerce, Trade, and Consumer Protection**

**May 18, 2005**

Mr. Chairman, members of the Committee, good morning my name is Frank Shorter. I want to thank the Committee for its interest in this important subject and for the invitation to testify. Today, I am here as an athlete who competed in international Olympic sport for more than ten years. I am also here as the former Chairman of the United States Anti-Doping Agency (USADA). Accordingly, my comments are from the perspective of an athlete who values an effective anti-doping program and as someone who truly understands the challenges inherent in creating and operating such a program.

We value sport in our society because it builds character and promotes teamwork, dedication and commitment. Sport requires honesty and respect for the rules and fellow competitors. It leaves a legacy of health that can last a lifetime. Sport brings communities together, it creates role models for our kids and it inspires dreams. These are all reasons why sport occupies a special place in our schools and in our society at large. When athletes enhance their performance by doping, it is cheating of the worst kind and it undermines all of these important values of sport. When an athlete is successful through doping it sends a clear message to all athletes; the new price of achieving your dreams is compromising your integrity and risking your health. Athletes who perform outstanding physical feats through doping make sport nothing more than another circus act unworthy of any place in our schools or our social fabric.

All sports organizations, amateur or professional, must be truly committed to the same goal; the complete eradication of doping in sports. We owe it to the clean athletes competing today and the young athletes just beginning to chase their dreams to ensure that success in sports does not require the use of drugs.

I can tell you what it feels like to have your dream compromised by the drug use of another. In 1972 I won the gold medal for the United States in the marathon at the Olympics in Munich. Four years later, I ran an even better race but finished second at the Olympics in Montreal. I lost that race to an East German. At the time we all expected, and later it was confirmed, that in 1976 the East Germans were benefiting from a state sponsored doping program. I knew I could have improved my chance of winning by taking steroids, but I never even considered it, I chose to compete clean and as a result, I finished second.

In discussing anti-doping programs I hear the term “athlete’s rights” used frequently. To me the greatest right an athlete has is the right to compete in clean sport on a level playing field. The question we all need to ask is: what is the best way to protect the rights of clean athletes and remove the long shadow that steroids and other drugs have cast over sport in the United States?

In the Olympic movement, both throughout the world and in the United States, the quest to eradicate doping has recently led to two significant shifts in the way anti-doping programs are operated. The first shift has been towards harmonization of anti-doping rules, including penalties, across all sports. The second significant change has been the effort to externalize anti-doping programs and shift the responsibility for testing and adjudicating away from the sports and instead place that responsibility with an independent and transparent agency.

At the world level, this paradigm shift resulted in the creation of the World Anti-Doping Agency (WADA), as the independent agency charged with the anti-doping responsibilities formally performed by the International Olympic Committee. The effort to harmonize anti-doping rules across sport led to the creation of a uniform document the World Anti-Doping Code, which was based largely based on the USADA model. While it is not often that most of the world can come together and agree on something that is exactly what this uniform standard represents. All Olympic sports organizations throughout the world and most governments, including the United States government, have agreed to these principles and endorsed this model as the most effective framework for the fight against doping in sports.

Formerly, each international federation was responsible for creating its own anti-doping rules. The result was a wide variety of penalty and testing provisions that had little continuity across sports. Now that each sport has adopted the Olympic model, all athletes in the Olympic movement operate under the same rules and face the same consequences if they decide to cheat. Accordingly, all Olympic athletes, from the top track athletes and cyclists, who are full time professionals, to the best curlers, handball players, or sailors in the world, are all subject to the same anti-doping rules, procedures and penalties.

The Olympic standards effectively balance athletes' rights to a fair system, with the need for effective penalties designed to hold all athletes accountable for their decisions. First, the Olympic model is fair to athletes. For example, it ensures that athletes, who have a valid medical need for a substance that is otherwise prohibited, can obtain a therapeutic use exemption or "TUE" in advance of a competition. Accordingly, where an athlete can prove that he or she would experience a significant impairment to health if the medication is

withheld, that there are no reasonable alternatives and that the medication will not produce an additional enhancement to the athlete's performance, an athlete will receive advance permission to continue taking that medication.

While athletes who are taking medication for a legitimate reason are protected, the standards greatly improve the chances of stopping an athlete who considers doping or who is doping and holds that athlete accountable through a fair adjudication system. Importantly, the Olympic model provides for both in-competition testing and out-of-competition, no advance notice testing. Comprehensive out-of-competition testing is fundamental to an effective anti-doping program because steroids are often taken well in advance of competition.

The Olympic standards also provide for substantial penalties for those athletes who do cheat. A first offense for taking a steroid results in a two-year suspension. A second violation results in a lifetime ban. Unfortunately, in today's society where the rewards of success in sport are great, the penalty for doping must be strong enough to be an effective deterrent.

Another important feature of the Olympic model is a standardized list of prohibited substances. An international committee of experts is specifically tasked with reviewing and updating the list of prohibited substances. As we have all learned through the on-going BALCO investigation, those who are trying to cheat the system are constantly innovating in their effort to obtain an unfair advantage over their competitors. Accordingly the list of prohibited substances must be both broad in nature and constantly revised in order to be effective.

For all of these reasons, if a sports organization is truly committed to fighting doping in sports, I think the first step is to adopt testing and enforcement standards similar to that of the Olympic movement. I believe the second important action should be to place the responsibility for doping in the hands of an independent and transparent agency, as the United States Olympic Committee (USOC) did when it created USADA.

In the 1990s, the world did not view the United States as being committed to preventing doping among its Olympic athletes. The system of self-regulation by the various sports led to perceptions of conflict and allegations of attempts to hide doping behavior among United States' athletes. The USOC also recognized that the effectiveness of anti-doping efforts would be improved through centralization of resources and harmonization of regulations and procedures. Accordingly, USADA was formed in 2000. USADA has been recognized by Congress as the independent, national anti-doping agency for Olympic and Paralympic sport in the United States. USADA's mission is to protect and preserve the health of athletes, the integrity of competition and the well-being of sport through the elimination of doping.

I served as the Chairman of USADA from 2000 through 2003. During that period I was able to see first hand the benefits of externalizing the responsibility for drug-testing and adjudication. As an independent agency USADA has no conflict of interest. Its function is to protect the rights of clean athletes by conducting its testing and adjudication programs with integrity and transparency to stop those athletes who dope and then hold them accountable for their decision to use drugs for performance enhancement. While no system is perfect, it is clear that the creation of USADA has had a significant impact on the fight against doping among United States Olympic athletes. Now, that USADA has been

operating for nearly five years as an independent Agency, the United States is considered the world leader in its commitment and in its testing, education and adjudication systems. There is now simply no doubt that in the Olympic movement the United States is doing everything within its power to eliminate doping by United States athletes.

There is still more that can be done in the Olympic movement. For example, USADA needs additional resources for research and testing to combat an ever-increasing sophistication among those committed to cheating. The battle against doping will also never be won without a continual and substantial commitment of resources towards educating the next generation of athletes of the physical and moral consequences of doping.

My hope is that the increasing exposure the problem of doping in sports is receiving through the effort of this Committee and others will result in an increased commitment of resources to the fight against drugs in sport. I also hope that there will soon come a time, where every American sports organization, amateur or professional, will be in a position to say that it is doing everything within its power to eliminate doping in sports. Thank you.

## **Testimony of Frank Shorter**

### **Summary of Major Points**

- The use of performance enhancing drugs by athletes is cheating of the worst kind. Drug use may lead to success, but it is success without honor and without true achievement.
- All sports organizations need to be committed to the same goal; the complete eradication of doping in sports.
- In the Olympic movement, both worldwide and in the United States, the effort to end doping in sports has led to two significant shifts. The first is the harmonization of anti-doping rules and regulations across all sport. The second is the externalization of responsibility for anti-doping from inside the sports to outside, independent and transparent agencies.
- As part of these efforts the World Anti-Doping Agency was formed as an independent anti-doping agency with the mission of developing the standard of anti-doping regulations that all sports could adopt. That standard was created with the passing of the World Anti-Doping Code (the Code). Most of the world's governments and sporting organizations have accepted the Code, including the United States Government.
- In the United States Olympic movement, these shifts led to the creation of the United States Anti-Doping Agency (USADA) in 2000 as the independent agency responsible for testing, adjudication and education of Olympic and Paralympic athletes.
- The United States Olympic Committee formed USADA as an independent agency because the USOC recognized that the creation of a truly independent agency would alleviate all potential conflicts, either actual or perceived, that existed with the individual Olympic sports being responsible for testing and adjudication of doping offenses.
- At the time USADA was formed the international sports community believed that the United States lacked true commitment to the fight against drugs in sport and that the individual Olympic sports organizations in the United States were not doing everything within their power to eliminate doping by United States athletes.
- Now, that USADA has been operating for five years as an independent Agency, the United States is considered the world leader in its commitment and in its testing, education and adjudication systems. There is now simply no doubt that in the Olympic movement the United States is doing everything within its power to eliminate doping by United States Athletes.
- I look forward to the day when every sports organization in the United States, amateur or professional, can make the same claim, that they are doing everything within their power to eliminate the use of drugs in sport.